

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

United States of America,)
)
) Plaintiff,) **DEFENDANT’S CONSENT**
vs.) **TO APPEAR BY VIDEO**
) **TELECONFERENCE**
)
,) Case No.
)
) Defendant.)

DEFENDANT’S CONSENT AND WAIVER
OF PHYSICAL APPEARANCE AT DETENTION HEARING

Defendant Client, having been advised by counsel of:

1. His required presence at the initial appearance in this matter under Federal Rule of Criminal Procedure 43(a);
2. The requirement under Federal Rule of Criminal Procedure 5(d)(3), that during the initial appearance in a felony case, the judge must rule upon detention or release as provided by statute or under the criminal rules;
3. His ability under Federal Rules of Criminal Procedure 5(f) to consent to initial appearance by video teleconference;
4. The requirement of 18 U.S.C. § 3142, governing pre-trial release, that upon appearance before a judicial officer the judge must rule upon detention or release (18 U.S.C. § 3142(a)) and that the detention hearing must be held “immediately upon the person’s first appearance before the judicial officer unless that person, or the attorney for the Government, seeks a continuance.” 18 U.S.C. § 3142(f);
5. The CARES Act authorization for a detention hearing to be held by video teleconference, only upon certain prerequisites, and only with the consent of the

defendant, after consultation with counsel.

6. The Court's General Order 2020-08, which authorized use of a video teleconference, with the consent of the defendant after consultation with counsel, consistent with the CARES Act.
7. The right at such a hearing to testify, present witnesses, cross-examine witnesses and present information by proffer or otherwise;

defendant now waives any right to be physically present for this detention hearing, whether the hearing occurs at the time of the initial appearance or after a continuance, and waives any right to physically be in the presence of witnesses at the time of the hearing. Client hereby consents to proceeding via video teleconference for a detention hearing and does so after consultation with counsel.

Date: _____

Client, Defendant

Date: _____

Counsel for Defendant

Distribution to all registered counsel by electronic notification via CM/ECF